tinct branch of social science, namely: Lazarus, the psychology of peoples; Simmel, ethics; Wagner, political economy; and Jhering, the philosophy of law. In choosing these four names M. Bouglé has shown the ability to discover sociologists who are such in fact, irrespective of their labels.

If the International Institute of Sociology shall offer annually as worthy contributions to science as these which compose the first volume of its annals, it will take an excellent rank among respected learned associations. The twenty papers are by such strong and well known writers as Tarde, Ferri, Gumplowicz, Novicow, Mandello, Simmel, Fiamingo, Lilienfeld, Sir John Lubbock, Sir Douglas Galton, Combes de Lestrade, Worms, Kovalevsky, Toennies, Kranz, Dorado, Posada and Abrikossof, and cover a wide range of questions, from the purely theoretical and systematic to those of a more practical nature, such as the relation of sociology to public-school education, the ownership of land, unemployment, socialism, anarchism, justice and criminal law.

F. H. GIDDINGS.

Traité de la Juridiction Administrative et des Recours Contentieux. By E. LAFERRIÈRE, Vice-Président du Conseil d'État. Paris, Berger-Levrault & Cie., 1896. — 2 vols., xix, 724, 709 pp.

A study of comparative administrative law shows that there are two methods of establishing direct judicial control over the acts of the administrative authorities. The one that is provided by the English law and is to be found in all English-speaking countries, consists in devising a special set of remedies to be administered by the ordinary courts. The other consists in the establishment of special courts to which appeal in proper cases may be taken from the acts of the administration. This system, established in France during the early part of this century, has had great influence on the administrative legislation of the Continent. No better expounder of this Continental system, as it may be called, could be found than Mr. Laferrière, the author of the work under consideration, who is the vice-president of the French council of state and therefore the chief justice of that body when it acts as a purely judicial authority.

M. Laferrière's book is in the main written for the French lawyer; but his interest in the philosophical and historical aspects of his subject has led him to include in his treatment of it both a comparison of the institutions established in order to provide a direct judicial control over the administration in all the important countries of

Europe and in the United States, and a sketch of the historical development of the purely French system. The former cannot fail to be of the greatest value to the student of comparative politics, while the latter will interest the historian. That the portion of the work devoted to foreign law is so clear and so free from mistakes of importance is strong evidence of the value of the work done by the *Société de Législation Comparée*, upon which M. Laferrière has largely relied.

The two points brought out in the book which are of greatest interest to foreign, and particularly to English and American readers are : first, the similarity between the French and the English development, notwithstanding the different results which have been reached ; and, second, the wider and more effective remedies offered by the French as compared with the English law, notwithstanding the fact that in France special courts have been established for their application.

The similarity in development is seen in the fact that all the judicial remedies against arbitrary administrative action were worked out during the time when the bodies which administered them were under the control of the administration. Thus, in England the courts of king's bench and chancery had worked out the theory of the extraordinary legal remedies, such as the writs of *mandamus*, *certiorari* and *habeas corpus*, and the equitable remedies like the injunction, before 1701, when the judges became independent of the crown. The crown made no opposition to the growth of this system of remedial justice before 1701, because of the fact that it had large powers of control over the judges, as witness the famous ship-money case, and the case of the five knights. In France during about the same period, however, the courts had a tenure independent of the crown, owing to the fact that the position of judge was regarded as property, which might be bought and sold and was hereditary. The crown, therefore, did not permit the ordinary courts to exercise anything like the same jurisdiction over its officers that the courts of England possessed, but established special courts under its control for the exercise of these powers. This system, the foundation of which was laid by the absolute monarchy, has been further developed by all the various governments which France has had during this century. The special bodies established for the purpose being theoretically merely parts of the administration, the executive could make no objection to the development of the present system of remedies. Finally, in 1872, soon after the foundation of the

present republic, the council of state received the power to make its decisions independently without the necessity of obtaining the approval of the chief executive; and in 1875 the members of the council were given a tenure practically independent of the executive.

The early relation with the executive has not failed to have an influence on the character of the remedies which these administrative judges have worked out. Being really a part of the administration, and devoting their lives to the study of administrative questions, they have of necessity had a wider knowledge of the real needs of the administration, and at the same time have had less of the reluctance which the English and American courts have felt since they became independent of the executive about limiting the discretion of administrative authorities. The result of these two facts has been the offer to the individual citizen of much wider remedies against both illegal and arbitrary administrative action. Thus, the French administrative courts have had no hesitation in taking jurisdiction of matters like tax-assessment valuations, which, in this country at any rate, are regarded in the absence of some particular statute giving jurisdiction as exclusively within the discretion of the taxing officers. Again, the French administrative courts have worked out an elaborate doctrine relative to the responsibility of the government both for contracts and for the tortious acts of its agents, which the American and English courts, with their fear of encroaching on the discretion of the administration, have been unable to do. Finally, the French courts, basing their action on a very general statutory provision, have elaborated a most effective remedy against illegal administrative action on the part of even the highest state officers in the appeal for "excess of powers and violation of the law." This goes directly to the council of state, the highest administrative court, and is not only very simple and untechnical in its operation, but, like most French judicial remedies, quite inexpensive.

What has been said is not meant to imply that the French system is perfect. In fact, the mere existence of two separate kinds of courts often necessitates conflicts of jurisdiction, which of course tend to diminish the effectiveness of the system. But it cannot be doubted that in this respect the English and American law has much to gain from the French law. That we have already borrowed from it can be seen when we call to mind the existence of courts and boards of claims, and of boards of general appraisers, established by the recent Customs Administration Act, which are really administrative courts. That we shall in the future borrow more, cannot well be

doubted by those who have studied our system of judicial control over administrative action, which has defects amounting almost to a denial of justice. When the time comes to take another step in the direction indicated by the acts establishing our courts of claims and similar bodies, no book will be found more useful than that of M. Laferrière, who has exhibited not only a complete and detailed knowledge of the French law but also a rare comprehension of foreign legal systems. Finally, it is almost needless to say that M. Laferrière's book is characterized by that clearness and simplicity of style which makes the reading of French books a pleasure. F. J. GOODNOW.

The Constitution of the United States at the End of the First Century. By GEORGE S. BOUTWELL. Boston, D. C. Heath & Co., 1895. — xviii, 412 pp.

Commentaries on the Constitution of the United States, Historical and Juridical. By ROGER FOSTER. Vol. I. Boston, The Boston Book Company, 1895. — vii, 711 pp.

The first of these works may be dismissed with few words — words not directly of criticism, but rather of description. The book includes, in the first place, a reprint of the fundamental instruments of our constitutional history and our present constitutional law — the Declaration of Independence, the Articles of Confederation, the Ordinance for the government of the Northwest Territory, and the Constitution of the United States. All that distinguishes this reprint from any other is that under each of the provisions of the Constitution of the United States cases are cited interpreting the same, and that several cases are likewise cited under a few of the provisions of the Articles of Confederation and of the Northwest-Territory Ordinance. These cases seem to have been intelligently selected.

In the second place, the book contains a fairly good digest of the cases interpreting the provisions of the Constitution of the United States. All that can be said in regard to this part of it is, that good judgment is manifested in the selection of cases, and the decisions which they contain seem to have been correctly stated and fairly well distinguished from the dicta.

The book also contains a very brief, not to say superficial, history of the progress of independence, the period of confederation and the enactment of the Northwest-Territory Ordinance. In none of